

Declaration and Power of Attorney For Patent Application
English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and join inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

USE OF HEDERAGENIN 3-O- α -L-RHAMNOPYRANSYL(1 \rightarrow 2)-[β -D-GLUCOPYRANOSYL(1 \rightarrow 4)]
- α -L-ARABINOPYRANOSIDE OR AN EXTRACT FROM PULSATILLAE RADIX CONTAINING THE
SAME AS A THERAPEUTIC AGENT FOR SOLID TUMORS

the specification of which

(check one)

☐ corresponds to _____, filed on _____
☐ was filed on _____ United States Application No. or PCT
Application Number _____
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

<u>2002-43016</u> (Number)	<u>Republic of Korea</u> (Country)	<u>22/07/2002</u> (Day/Month/Year Filed)	[X] Yes	[] No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	[] Yes	[] No

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

_____ (Application Serial No.)	_____ (Filing Date)
_____ (Application Serial No.)	_____ (Filing Date)
_____ (Application Serial No.)	_____ (Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of the United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (Patented, pending, Abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (Patented, pending, Abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (Patented, pending, Abandoned)

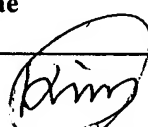
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

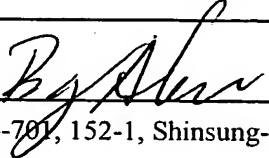
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

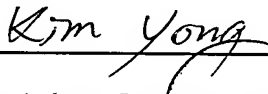
David G. Conlin	Reg. No. 27,026	Christine C. O'Day	Reg. No. 38,256
George W. Neuner	Reg. No. 26,964	Robert L. Buchanan	Reg. No. 40,927
Linda M. Buckley	Reg. No. 31,003	David E. Tucker	Reg. No. 27,840
Peter J. Manus	Reg. No. 26,766	Lisa Swiszc Hazzard	Reg. No. 44,368
Peter F. Corless	Reg. No. 33,860	George W. Hartnell	Reg. No. 42,639
Cara Z. Lowen	Reg. No. 38,227	Jennifer K. Holmes	Reg. No. 46,778
William J. Daley, Jr.	Reg. No. 35,487	Kerri Pollard Schray	Reg. No. 47,066

Send Correspondence to: Peter F. Corless
 Dike, Bronstein, Roberts & Cushman, IP Group of
 EDWARDS & ANGELL, LLP
 130 Water Street
 Boston, Massachusetts 02109
 USA

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 (name and telephone number) Telephone: (617) 523-3400
 Facsimile: (617) 523-6440

Full name of sole or first inventor	KIM, Song-Bae	
Sole or First inventor's signature		Date : June 4, 2003
Residence	533-2, Bonggok-ri, Banpo-myun, Gongju-shi, 314-920, Choongchungnam-do, Republic of Korea	
Citizenship	Republic of Korea	
Post Office Address	Same as Above	

Full name of second inventor, if any	AHN, Byung-Zun
Second inventor's signature	 Date : June 4, 2003
Residence	Durae Apt. #106-701, 152-1, Shinsung-dong, Yousung-gu, 305-720, Taejeon, Republic of Korea
Citizenship	Republic of Korea
Post Office Address	Same as Above

Full name of third inventor, if any	KIM, Yong
Third inventor's signature	 Date : June 4, 2003
Residence	#1-5, 12-4, Seonwha 1-dong, Joong-gu, 301-822, Taejeon, Republic of Korea
Citizenship	Republic of Korea
Post Office Address	Same as Above

5. Declaration or Oath (including power of attorney)

NOTE: *A newly executed declaration is not required in a continuation or divisional application provided the prior nonprovisional application contained a declaration as required, the application being filed is by all or fewer than all the inventors named in the prior application, there is no new matter in the application being filed, and a copy of the executed declaration filed in the prior application (showing the signature or an indication thereon that it was signed) is submitted. The copy must be accompanied by a statement requesting deletion of the names of person(s) who are not inventors of the application being filed. If the declaration in the prior application was filed under Section 1.47 then a copy of that declaration must be filed accompanied by a copy of the decision granting Section 1.47 status or, if a nonsigning person under Section 1.47 has subsequently joined in a prior application, then a copy of the subsequently executed declaration must be filed. See 37 C.F.R. Section 1.63(d)(1)-(3).*

NOTE: *A declaration filed to complete an application must be executed, identify the specification to which it is directed, identify each inventor by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and the residence, post office address and country of citizenship of each inventor, and state whether the inventor is a sole or joint inventor. 37 C.F.R. Section 1.63(a)(1)-(4).*

NOTE: *A The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by Section 1.62, except as provided for in Section 1.53(d)(4) and Section 1.63(d). If an oath or declaration as prescribed by Section 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to Section 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in Section 1.17(l) is filed supplying or changing the name or names of the inventor or inventors. 37 C.F.R. Section 1.41(a)(1).*

☒ Enclosed

Executed by

(check all applicable boxes)

- ☒ inventor(s).
☐ legal representative of inventor(s). 37 C.F.R. Section 1.42 or 1.43.
☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
☐ This is the petition required by 37 C.F.R. Section 1.47 and the statement required by 37 C.F.R. Section 1.47 is also attached. See item 13 below for fee.

☐ Not Enclosed.

NOTE: *Where the filing is a completion in the U.S. of an International Application, or where the completion of the U.S. application contains subject matter in addition to the International Application, the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.*

- ☐ Application is made by a person authorized under 37 C.F.R. 1.41 on behalf of *all* the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 C.F.R. Section 1.16(e), can be filed subsequently).

- ☐ Showing that the filing is authorized.

(not required unless called into question. 37 C.F.R. Section 1.41(d))

6. Inventorship Statement

WARNING: *If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.*

The inventorship for all the claims in this application are:

☐ The same.

or

☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

7. Language

NOTE: *An application including a signed oath or declaration may be filed in a language other than English. An English translation of the non-English language application and the processing fee of \$130.00 required by 37 C.F.R. Section 1.17(k) is required to be filed with the application, or within such time as may be set by the Office. 37 C.F.R. Section 1.52(d).*

☒ English

☐ Non-English

☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. Section 1.52(d).

8. Assignment

☒ An assignment of the invention to Song-Bae KIM, Republic of Korea

☒ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☒ FORM PTO 1595 is also attached.

☐ will follow.

☐ was filed in parent application

NOTE: *"If an assignment is submitted with a new application, send two separate letters-one for the application and one for the assignment" Notice of May 4, 1990 (1114 O.G. 77-78).*

WARNING: *A newly executed "STATEMENT UNDER 37 C.F.R. Section 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.*

B. ☐ Design application
(\$320.00—37 C.F.R. Section 1.16(f))
Filing Fee Calculation \$_____

C. ☐ Plant application
(\$490.00—37 C.F.R. Section 1.16(g))
Filing Fee Calculation \$_____

11. Small Entity Statement(s)

☐ Applicant claims small entity status.

(complete the following, if applicable)

Filing Fee Calculation (50% of A, B or C above) \$_____

NOTE: Any excess of the full fee paid will be refunded if a small entity status is established refund request are filed within 2 months of the date of timely payment of a full fee. The two-month period is not extendable under Section 1.136. 37 C.F.R. Section 1.28(a).

12. Request for International-Type Search (37 C.F.R. Section 1.104(d))

(complete, if applicable)

☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made at This Time

☐ Not Enclosed

☐ No filing fee is to be paid at this time.

(This and the surcharge required by 37 C.F.R. Section 1.16(e) can be paid subsequently.)

☒ Enclosed

☒ Filing fee \$ 1,030.00

☒ Recording assignment
(\$40.00; 37 C.F.R. Section 1.21(h))
(See attached "COVER SHEET FOR
ASSIGNMENT ACCOMPANYING NEW
APPLICATION.") \$ 40.00

- ☐ Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached
(\$130.00; 37 C.F.R. Sections 1.47 and 1.17(i))\$
- ☐ For processing an application with a specification in a non-English language
(\$130.00; 37 C.F.R. Sections 1.52(d) and 1.17(k))\$
- ☐ Processing and retention fee
(\$130.00; 37 C.F.R. Sections 1.53(d) and 1.21(l))\$
- ☐ Fee for international-type search report
(\$40.00; 37 C.F.R. Section 1.21(e)) \$

NOTE: 37 C.F.R. Section 1.21(l) establishes a fee for processing and retaining any application that is abandoned for failing to complete the application pursuant to 37 C.F.R. Section 1.53(f) and this, as well as the changes to 37 C.F.R. Section 1.53 and 1.78(a)(1), indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid, or the processing and retention fee of Section 1.21(l) must be paid, within 1 year from notification under Section 53(f).

Total Fees Enclosed \$ 1,070.00

14. Method of Payment of Fees

- ☒ Check in the amount of \$ 790.00 and \$280.00.
 - ☐ Charge Account No. _____ in the amount of \$ _____.
- A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. Section 1.22(b).

15. Authorization to Charge Additional Fees

WARNING: If no fees are to be paid on filing, the following items should not be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 04-1105.
 - ☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)
 - ☒ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. Section 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☒ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☒ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).
- ☒ 37 C.F.R. Section 1.17 (application processing fees)

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under Section 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in Section 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. Section 1.136(a)(3).

- ☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. Section 1.311(b)).

NOTE: 37 C.F.R. Section 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . issue fee." From the wording of 37 C.F.R. Section 1.28(b), (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

16. Instructions as to Overpayment

NOTE: ". . . Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. Section 1.26(a).

- ☒ Credit Account No. 04-1105
- ☐ Refund

Christine C. O'Day
SIGNATURE OF PRACTITIONER

Reg. No. 38,256

Christine C. O'Day
(type or print name of practitioner)

Tel. No.: (617) 439-4444

EDWARDS & ANGELL, LLP
P.O. Box 9169
P.O. Address

Customer No.: 21874

Boston, MA 02209

☒ **Incorporation by reference of added pages**

(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)

☐ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added _____

☒ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added 2

☐ Plus added pages deleting names of inventor(s) named on prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added _____

☒ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added 3

☐ **Statement Where No Further Pages Added**

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)

☐ This transmittal ends with this page.

#318558



21874

PATENT TRADEMARK OFFICE

(Application Transmittal—page 11 of 11)

9. Certified Copy

Certified copy(ies) of application(s)

Country	Appln. No.	Filed
Korea	10-2002-0043016	July 22, 2002

from which priority is claimed

☒ is (are) attached.
☐ will follow.

NOTE: The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 C.F.R. Section 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. 120 is itself entitled to priority from a prior foreign application, then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

10. Fee Calculation (37 C.F.R. Section 1.16)

A. ☒ Regular application

CLAIMS AS FILED

Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$750.00
Total Claims (37 CFR 1.16(c))	7	- 20 =	0	x \$ 18.00	\$0
Independent Claims (37 CFR 1.16(b))	2	- 3 =	0	x \$84.00	\$0
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))			+	\$280.00	\$280.00

☐ Amendment cancelling extra claims is enclosed.
☐ Amendment deleting multiple-dependencies is enclosed.
☐ Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 C.F.R. Section 1.16(d).

Filing Fee Calculation \$ 1,030.00

(Application Transmittal—page 7 of 11)